

David Henderson  
Law Offices of David Henderson  
3003 Minnesota Drive, Suite 203  
Anchorage, AK 99503  
Phone: 907-677-1234  
Fax: 888-965-9338  
[dh@henderson-law.com](mailto:dh@henderson-law.com)

Attorney for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

Diane L. Long and Balingo Lake )  
Individually, and as Parents of )  
their minor child, J.L., )  
Plaintiffs, )  
vs. ) Case no. )  
3:16-cv-00089-JWS )  
United States of America; )  
LifeMed Alaska, LLC; )  
University of Washington/ )  
University of Washington )  
Foundation, DBA Airlift Northwest, )  
Defendants. )

**First Amended Complaint**

COME NOW plaintiffs and allege as follows:

**Jurisdiction**

1. Plaintiffs are Alaskan Natives and residents of Anchorage, Alaska, in the District of Alaska.

1           2.     Plaintiffs Diana Long [hereinafter "Long"] and  
2     Balingo Lake [hereinafter "Lake"] are adults and the natural  
3     parents of plaintiff J.L., a minor child.

4           3.     The Hooper Bay Subregional Clinic [hereinafter  
5     "the Clinic"] is a health-care facility owned and operated  
6     by the Yukon-Kuskokwim Health Corporation ["YKHC"], a tribal  
7     organization whose medical malpractice is covered by the  
8     *Federal Tort Claims Act*, 28 USC §§ 1346, 2401, and 2671 *et*  
9     *seq.*

10          4.     Steven Bertrand was at all times pertinent a  
11     physician's assistant acting within the scope of his  
12     employment at the Clinic.

13          5.     More than six months ago, the claim giving rise to  
14     this suit was presented to the appropriate federal agency  
15     within the meaning of 28 USC § 2675(a).

16          6.     Said agency has denied the claim, either by  
17     expressly rejecting it outright, or by failing to make a  
18     final disposition of it within six months, as contemplated  
19     by 28 USC § 2675(a).

20          7.     Defendant LifeMed Alaska, LLC [hereinafter  
21     "LifeMed"] is a limited liability company organized and  
22     existing under the laws of the State of Alaska, and at least  
23     50% owned by YKHC.  
24  
25

1           8.    LifeMed owns and operates an air- and ground-  
2 ambulance service that transports patients throughout  
3 Alaska.

4           9.    At all times relevant hereto, Brian Anderson, RN,  
5 and Steven Heyano, MICP EMT-P, and other employees, were  
6 either employed by LifeMed, and acting within the scope of  
7 that employment, or were agents of LifeMed, and acting within  
8 the scope of that agency.

9  
10          10.   At all times relevant hereto, defendant University  
11 of Washington/University of Washington Foundation  
12 [hereinafter "University"] was a public university in the  
13 State of Washington with its principal place of business in  
14 King County, Washington.

15          11.   At all times relevant hereto, Airlift Northwest  
16 [hereinafter "Airlift"] was licensed to do business in the  
17 State of Alaska and was owned by the University.

18          12.   Airlift provides air medical transport services to  
19 patients throughout Alaska and the Pacific Northwest.

20          13.   This court has jurisdiction over the claims  
21 asserted herein.

22  
23                                   **General Allegations**

24          14.   On at least three occasions in March and April of  
25 2015, Long presented her four-month old infant daughter,

1 J.L., to the Clinic in Hooper Bay for medical care and  
2 treatment of what appeared to be a respiratory viral  
3 condition.

4 15. During these visits, J.L. was placed under the  
5 care and treatment of Steven Bertrand, a physician's  
6 assistant.

7 16. By the time of her visit on April 29, 2016, J.L.'s  
8 signs and symptoms had worsened and intensified: her heart  
9 rate was 180; respiratory rate was 52; her oxygen saturation  
10 was 99%; she had audible wheezing; a fever of 100.5; her  
11 appetite and fluid-intake had decreased, and; she had  
12 retractions in the upper-abdomen/stomach region while  
13 breathing.

14 17. Despite J.L.'s worsening signs and symptoms,  
15 Bertrand failed to properly and adequately diagnose, treat,  
16 and deal with J.L.'s worsening status.

17 18. For example, he did not administer simple tests  
18 for influenza or respiratory syncytial virus ["RSV"], a  
19 respiratory-tract infection that can be fatal in infants if  
20 not properly treated, or send her into the hospital for  
21 aggressive treatment.

22 19. On May 3, 2015, Long again presented J.L. to the  
23 Clinic -- this time after hours, and in critical condition.

1           20. At that point, J.L. was septic, profoundly  
2 dehydrated; febrile; had a very elevated pulse; an elevated  
3 respiratory rate; audible wheezing; low oxygen saturation;  
4 intercostal retractions; nasal flaring, and general  
5 nonresponsiveness.

6           21. In light of the gravity of J.L.'s condition,  
7 LifeMed was summoned to evacuate her by air to a more  
8 complete health-care facility, first in Bethel, and  
9 ultimately to the Alaska Native Medical Center ["ANMC"] in  
10 Anchorage.

11           22. Prior to the flight, Bertrand improperly placed an  
12 intraosseous line in J.L.'s left tibia.

13           23. He then failed to detect and ensure its improper  
14 placement.

15           24. Registered nurse Brian Anderson, together with  
16 Steven Heyano, MICP EMT-P, and others responded on LifeMed's  
17 behalf to provide medical care for J.L. while en route to  
18 Anchorage.

19           25. During the flight, Anderson and Heyano both  
20 visualized and noted clear signs of extravasation, such as  
21 intensifying and deepening redness in the left leg.

22           26. Nevertheless, they still administered powerful  
23 medicinal agents through the improperly placed needle and  
24  
25

1 line, resulting in extravasation -- a maloccurrence whereby  
2 fluids are injected into surrounding tissues, rather than  
3 into the target blood vessel itself.

4 27. Neither practitioner took reasonable and  
5 sufficient precautions to ensure the line's proper placement  
6 and patency.

7 28. Nor did they inform ANMC receiving personnel in  
8 Anchorage about their in-flight observations of redness and  
9 concerns about extravasation.

10 29. The resulting extravasation caused swelling and  
11 ischemia [obstructed blood-flow], which in turn killed the  
12 tissues [necrosis] in J.L.'s left lower extremity. Although  
13 ANMC's doctors attempted to treat J.L.'s ischemic and  
14 necrotic lower left leg, their efforts failed; ultimately,  
15 the leg was amputated. Respiratory cultures taken at ANMC  
16 revealed that J.L. did have RSV and influenza, which had  
17 progressed to the point of causing respiratory failure,  
18 sepsis [blood-poisoning], and septic shock [sepsis  
19 accompanied by low blood-pressure].

20 30. ANMC practitioners also determined that J.L. had  
21 a left pneumothorax [collapsed lung], which they treated.

22 31. The above-described sepsis, as well as other  
23 physiological responses to J.L.'s viral infection(s),  
24  
25

1 damaged J.L.'s heart, likely necessitating ongoing  
2 treatments throughout her lifetime, including ultimately a  
3 heart transplant.

4 32. On May 6, 2016 J.L. was scheduled for transfer  
5 from ANMC to Seattle Children's.

6 33. The transport team comprised of flight nurses from  
7 Airlift arrived at ANMC to transport J.L. to Seattle  
8 Children's.

9 34. The flight nurses prepared to transport J.L. by  
10 placing her on their ventilator and their monitors, after  
11 which J.L. suffered cardiac arrest.

12 35. The flight nurses from Airlift failed to properly  
13 monitor J.L's respiratory status when changing the  
14 ventilator, thereby causing her cardiac arrest and metabolic  
15 acidosis.

16 36. The acts, errors, and omissions alleged herein  
17 have proximately caused injury and damage to J.L., including,  
18 but not necessarily limited to:

- 19 a. Physical pain and suffering, past and future;  
20  
21 b. Severe and permanent physical impairment and  
22 disfigurement;  
23  
24 c. Emotional distress and psychological injury, past  
25 and future;

1 d. Inconvenience and loss of enjoyment of life, past  
2 and future;

3 e. Medical- and treatment-related expenses, including  
4 life-care expenses, past and future;

5 f. Other pecuniary losses, past and future,  
6 including, but not necessarily limited to, lost wages and  
7 earnings, lost earning capacity, lost subsistence capability  
8 and earnings, and; loss of career and business opportunities.  
9

10 **Cause of Action - Negligence/Recklessness**  
11 **[On each plaintiffs' behalf**  
12 **against each defendant]**

13 37. Plaintiffs incorporate each of the allegations  
14 heretofore alleged.

15 38. Medical care providers at the Clinic, LifeMed, and  
16 Airlift failed to exercise that degree of skill, care, and  
17 knowledge ordinarily exercised and possessed under the  
18 circumstances by health care providers in their fields and  
19 specialties.

20 39. Said lapses and breaches of skill, care, and  
21 competence proximately caused the injuries and damages  
22 alleged herein.

23 40. Said lapses and breaches constitute recklessness  
24 within the contemplation of AS 09.55.549(f).  
25



1 41. Defendants are liable to each of the plaintiffs  
2 for negligence, in an amount to be proved at trial.  
3

4 WHEREFORE, plaintiffs pray for relief as follows:

5 1. For a judgment against defendants, and in  
6 plaintiffs' favor, compensating them for their injuries and  
7 damages, as alleged;

8 2. For an award of compensable costs, compensable  
9 attorney's fees, and any applicable interest.

10 3. For any other relief the court may deem just and  
11 proper.  
12

13 DATED this \_\_\_\_ day of January, 2017, at Anchorage,  
14 Alaska.  
15

16 LAW OFFICES OF DAVID HENDERSON  
17 Attorney for the Plaintiffs

18 s/David Henderson  
19 David Henderson #9806014  
20  
21  
22  
23  
24  
25